

Fulton County Daily Report

Legal Services Corp. Leader Puts the Poor Before Politics

Janet L. Conley

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Frank B. Strickland, the new chairman of the Washington-based Legal Services Corporation, is a realist and, to some extent, a contradiction in terms.

Strickland now heads the 11-member board of a congressionally created, \$333.8 million private nonprofit that distributes federal funds nationwide to groups that offer civil legal services to the poor.

The contradiction comes because he's a member of the Federalist Society and a longtime Republican, active in a party whose members, less than a decade ago, attempted to eviscerate the organization he now leads.

The realism comes from his philosophy that for LSC – and the many legal aid groups it funds around the country, including the Georgia Legal Services Program Inc. and the Atlanta Legal Aid Society Inc. – to survive, there has to be a measure of compromise to keep the organization outside the arena of partisan politics.

President George W. Bush nominated Strickland, a 36-year law veteran of law practice and a partner with Strickland Brockington Lewis, and he was confirmed by Congress earlier this year. He was sworn in at the board's quarterly meeting in Santa Fe, N.M., on April 25. He replaced former chairman Douglas S. Eakeley, a partner with Lowenstein Sandler in Roseland, N.J.

Strickland served as the first vice-chairman of Georgia's Republican party in the mid-1980s and later as the state party's general counsel and redistricting counsel. He's also a longtime legal services supporter. He spent years on the board of Atlanta Legal Aid and has been on the board of Georgia Legal Services since 1996.

"I've known Frank for 20 years. I think he's a wonderful choice for the head of the LSC board," said Steven Gottlieb, executive director of Atlanta Legal Aid. "He's a Republican, and he's a supporter. That's the right combination nowadays, I think."

Strickland is one of eight new faces on the 11-member board, whose members serve three-year renewable terms. The president may appoint no more than six members from his own political party, and the board's current makeup is six Republicans and five Democrats. Another Georgian, Hulett H. "Bucky" Askew, director of the Georgia Supreme Court's Office of Bar Admissions, is one of those whom Bush replaced.

Members are paid about \$300 plus travel costs for each quarterly meeting. They oversee LSC's 110-member staff, promulgate regulations and ensure that member programs comply with congressional regulations.

According to Strickland, the board also oversees funding allocations among the legal services programs in states and territories based on a statistical, Census-based calculation of the size of the poverty populations the programs serve.

Phyllis J. Holmen, Georgia Legal Services' executive director, also has known Strickland for years and praised his commitment to legal services for the poor. "He's very familiar with what we do," she said.

That familiarity tints Strickland's perspective on what he wants to do – and not do – in his new post. One of his goals is preserving access to free legal help for the poor. "It's far more important for a person to be able to go to a storefront lawyer for a legal problem than to expand the scope of what legal services does," he said.

The scope of legal services work was a factor that almost led to LSC's obliteration in the mid-1990s. At that time, Congress attempted to defund LSC – a move that seriously could have undercut or even eliminated many legal aid groups around the country. Strickland was part of a group of Georgians who spoke before the Georgia congressional delegation urging it to maintain LSC's funding.

Legal Services Corp. Scrapped By

In the end, Congress let LSC survive, but at a cost. According to LSC spokesman Eric D. Kleiman, the organization's funding was \$400 million in 1995. The next year, Congress slashed its budget by \$122 million to \$278 million. In addition, Congress instituted a set of restrictions on the types of matters that may be handled by the legal services groups that LSC funds.

Those restrictions, still in force, prohibit legal services programs from handling class actions, challenging welfare reform laws, litigating on behalf of prisoners, lobbying, collecting attorney fees, representing certain categories of aliens and offering representation in drug-related public housing evictions.

"Frankly, I wish LSC would go to Congress and ask that some of those restrictions be lifted," said Gottlieb. He's not alone among legal services groups, and several in New York are challenging the issue.

But for Strickland, that's where the realism comes in. He said he has no plans to try to get Congress to lift the 1996 restrictions. "Whether or not I agree with the restrictions – in other words, it is more important in my mind to continue funding at least at current levels rather than take on the political hot-button issue of expanding the scope of what legal services lawyers can do," he said. "If that's the trade-off, I'll take it."

Though each local legal services program sets its own case priorities, according to Holmen, in recent years, LSC has adopted model regulations urging programs to focus on safety and stability of households, including domestic violence prevention; safe housing; and economic stability, including access to public benefits such as welfare.

LSC's focus on noncontroversial types of legal assistance is what allows the organization to survive, according to Kleiman. "There's a political reality at work here, that if legal aid programs are going to insist on doing impact litigation, then the downside of that push could be a decision by Congress to get out of the legal services business altogether, and that wouldn't be good for anybody," he said.

Restrictions Come Under Fire

Though Strickland doesn't plan to challenge the restrictions, there is a pending federal court case against LSC, which supports what Kleiman calls Congress' right to dictate how federal money is spent.

Burt Neuborne, legal director of the Brennan Center for Justice at NYU Law School, is representing the plaintiffs in a now-consolidated case in the Eastern District of New York, *Velasquez v. LSC*, No. 97CV00182, and *Dobbins v. LSC*, No. 01CV01837.

The case alleges that the restrictions on types of cases LSC-funded legal aid groups may handle violates their First Amendment right to free speech by dictating how the groups may spend private – not just public – funds. The rationale: if legal aid groups use private money to handle restricted cases, they still will lose their federal money unless they set up separate organizations to handle restricted work – something many groups can't afford to do.

Neuborne's clients, in response to a federal judge's request, proposed sharing facilities and employees in the context of two separately named organizations. One would use federal money for nonrestricted work and the other would use private money for restricted work. Neuborne said the groups would post signs showing that federal money was not being used for restricted activities.

The LSC's response, according to Kleiman, is that the plaintiffs' proposal is too hypothetical and doesn't show how the restrictions affect a particular legal aid group that gets federal money.

Neuborne said he expects a ruling soon. If his clients win, the ruling would be persuasive authority in Georgia.